

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46358

STATE OF IDAHO,)
) **Filed: April 10, 2019**
) **Plaintiff-Respondent,**)
) **Karel A. Lehrman, Clerk**
v.)
) **THIS IS AN UNPUBLISHED**
ADAM JACOB MADSEN,) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
) **Defendant-Appellant.**)
)
_____)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Samuel Hoagland, District Judge.

Order denying I.C.R. 35 motion for reduction of sentence, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Jenny C. Swinford, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

Before HUSKEY, Judge; LORELLO, Judge;
and BRAILSFORD, Judge

PER CURIAM

Adam Jacob Madsen pled guilty to possession of a controlled substance. I.C. § 37-2732(c)(1)(F). In exchange for his guilty plea, additional charges were dismissed. The district court sentenced Madsen to a unified term of seven years, with a minimum period of confinement of two years, to run concurrently with other unrelated sentences. However, the district court retained jurisdiction and sent Madsen to participate in the rider program. Following successful completion of his rider, the district court suspended the sentence and placed Madsen on probation. Thereafter, Madsen violated the terms of his probation. The district court revoked probation and ordered execution of his original sentence. Madsen filed an I.C.R. 35 motion,

which the district court denied. Madsen appeals, arguing that the district court erred in not reducing Madsen's sentence.

A motion for reduction of sentence under I.C.R. 35 is essentially a plea for leniency, addressed to the sound discretion of the court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of new or additional information subsequently provided to the district court in support of the motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007). Upon review of the record, including any new information submitted with Madsen's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Madsen's Rule 35 motion is affirmed.